

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 1038

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

PATSY G. TRUJILLO

AN ACT

RELATING TO HOUSING; AUTHORIZING DEVELOPMENT FEES FOR AFFORDABLE HOUSING; AMENDING SECTIONS OF THE DEVELOPMENT FEES ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 5-8-4 NMSA 1978 (being Laws 1993, Chapter 122, Section 4) is amended to read:

"5-8-4. ITEMS PAYABLE BY FEE. --

A. An impact fee may be imposed only to pay for affordable housing or the following specified costs of constructing capital improvements or facility expansions:

- (1) estimated capital improvements plan cost;
- (2) planning, surveying and engineering fees paid to an independent qualified professional who is not an employee of the municipality or county for services provided for and directly related to the construction of capital improvements

Underscored material = new
[bracketed material] = delete

Underscored material = new
[bracketed material] = delete

1 or facility expansions;

2 (3) fees actually paid or contracted to be paid
3 to an independent qualified professional who is not an employee
4 of the municipality or county for the preparation or updating of
5 a capital improvements plan; and

6 (4) up to three percent of total impact fees
7 collected for administrative costs for municipal or county
8 employees who are qualified professionals.

9 B. Projected debt service charges may be included in
10 determining the amount of impact fees only if the impact fees
11 are used for the payment of principal and interest on bonds,
12 notes or other obligations issued to finance affordable housing,
13 construction of capital improvements or facility expansions
14 identified in the capital improvements plan."

15 Section 2. Section 5-8-5 NMSA 1978 (being Laws 1993,
16 Chapter 122, Section 5) is amended to read:

17 "5-8-5. ITEMS NOT PAYABLE BY FEE. --Impact fees shall not
18 be imposed or used to pay for:

19 A. construction, acquisition or expansion of public
20 facilities or assets that are not capital improvements or
21 facility expansions identified in the capital improvements plan;

22 B. repair, operation or maintenance of existing or
23 new capital improvements or facility expansions;

24 C. upgrading, updating, expanding or replacing
25 existing capital improvements to serve existing development in

. 116001. 1

Underscored material = new
[bracketed material] = delete

1 order to meet stricter safety, efficiency, environmental or
2 regulatory standards;

3 D. upgrading, updating, expanding or replacing
4 existing capital improvements to provide better service to
5 existing development;

6 E. administrative and operating costs of a
7 municipality or county except as provided in Paragraph (4) of
8 Subsection A of Section [~~4 of the Development Fees Act~~] 5-8-4
9 NMSA 1978;

10 F. principal payments or debt service charges on
11 bonds or other indebtedness except as allowed by Section [~~4 of~~
12 ~~the Development Fees Act~~] 5-8-4 NMSA 1978; or

13 G. libraries, community centers, schools, projects
14 for economic development and employment growth [~~affordable~~
15 ~~housing~~] or apparatus and equipment of any kind except capital
16 improvements defined in Paragraph (3) of Subsection [~~C~~] D of
17 Section [~~2 of the Development Fees Act~~] 5-8-2 NMSA 1978. "